



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard M. LIBMAN

Appl. No.: 09/354,802

Filed: July 16, 1999

For: **Automated Reply Generation
Direct Marketing System**

Confirmation No.: 5598

Art Unit: 3625

Examiner: Akers, Geoffrey R.

Atty. Docket: 2176.0010003

Re-submission of Sixth Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

On April 13, 2005, Applicant filed a Sixth Supplemental Information Disclosure Statement and Form PTO-1449, citing two references, U.S. Pat. 5,966,695 and European Patent Publication No. 0 572 281 A1. Since the present application has received a Final Office Action (mailed November 9, 2004), Applicant relied on a Statement Under 37 C.F.R. § 1.97(e)(2) to have the cited references considered. However, it has since been determined that U.S. Patent No. 5,966,695 had already been cited in the present application in the Fourth Supplemental Information Disclosure Statement, filed January 16, 2004. Therefore, it was not necessary for applicant to cite U.S. Patent No. 5,966,695 in the Sixth Supplemental IDS. Only European Patent Publication No. 0 572 281 A1 falls under the requirements of 37 C.F.R. § 1.97(e)(2). A copy of this document is hereby re-submitted, and listed on the enclosed Form PTO-1449. This filing replaces previously filed Sixth Supplemental IDS.

Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicant has checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international

application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☒ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of **\$180.00** in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☒ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

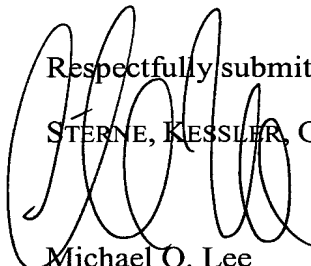
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ☒ 7. A copy of the document listed on the attached Form PTO-1449 is enclosed.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☒ 9. It is expected that the examiner will review the prosecution and cited art in the Parent Application Nos. 08/834,240 and 08/661,004 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application. Note that applicant has received notice of a Request for Re-Examination in Parent Serial No. 08/661,004, now U.S. Patent No. 5,987,434. It is expected that the Examiner will monitor and review any subsequent proceedings in that matter.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

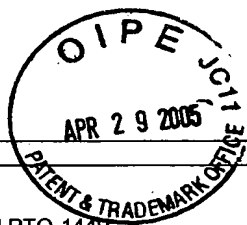
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicant
Registration No. 35,239

Date: April 29, 2005

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FORM PTO-1449

SIXTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.

2176.0010003

APPLICATION NO.

09/354,802

INVENTOR

Richard Marc LIBMAN

FILING DATE

July 16, 1999

ART UNIT

3624

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|---------------------|----|-----------------|------|------|-------|-----------|-------------|
| | AA | | | | | | |
| | AB | | | | | | |
| | AC | | | | | | |
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FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|---------------------|-----|-----------------|---------|---------|-------|-----------|-------------|
| | AK | | | | | | Yes No |
| | AL2 | 0 572 281 A1 | 12/1993 | EP | | | Yes No |
| | AM | | | | | | Yes No |
| | AN | | | | | | Yes No |

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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| | AO | | |
| | AP | | |
| | AQ | | |
| | AR | | |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.